

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                             )                                   Case No. 4:15CV1580-RLW  
                                  )  
                                  )  
YEV GRAY, DPM,              )  
NATALIE GRAY and            )  
JAMES SAYADZAD,             )  
                                  )  
Defendants.                   )

**MEMORANDUM IN SUPPORT OF  
JOINT MOTION TO AMEND THE PRELIMINARY INJUNCTION  
TO ALLOW FOR DEFENDANTS' REASONABLE LIVING EXPENSES  
AND PRESERVATION OF REAL PROPERTY**

The parties jointly seek to amend this Court's Preliminary Injunction Order [ECF No. 16] to allow Defendants' limited access to funds that were previously restrained pursuant to 18 U.S.C. § 1345.

Each of the Defendants has requested that the United States consent to an amendment of the Preliminary Injunction Order that will allow for Defendants' use a portion of the assets that were previously restrained by the Court for reasonable and necessary living expenses and to allow Defendants to remain current on the payment of the mortgages, insurance, assessments, and taxes on the real property that also has been restrained.

Additionally, as contemplated by the Preliminary Injunction Order, Defendants have now set forth the amounts due and owing and the account from which various former Aggeus employees can be paid for the payroll that was due on or about October 20, 2015. This payroll does not include payment to any of the Defendants or Aggeus independent contractors. The parties seek relief from the Preliminary Injunction to allow for this payment.

Additionally, for a variety of reasons, as of this date, counsel for Yev and Natalie Gray have only been paid a portion of the amount that they are due. Counsel seeks once again to modify the accounts from which payment will be made. The United States has no objection to this modification because it pertains only to the source of the funds, not the previously agreed upon amount.

Finally, Defendants have identified certain checks that were made payable to Aggeus entities that should be deposited into an Aggeus business account, as well as a state tax refund check made payable to Yev and Natalie Gray. To the extent that relief from the Preliminary Injunction is needed to make deposits, the parties jointly seek such relief.

The United States has not waived any legal argument regarding whether the statutory provisions of 18 U.S.C. § 1345 require a release of funds for living expenses or any other purpose. However, the United States recognizes that the Defendants have no current source of income or assets from which they may pay their current living expenses. Thus, the parties have reached an agreement and the United States has consented to the Defendants' request for a modification of the Preliminary Injunction to allow the Defendants access to funds for the limited purposes set forth above and in the attached Proposed Order.

The parties respectfully and jointly request that the Court amend the Amended Preliminary Injunction entered on October 30, 2015 and enter the attached Order (1) granting Defendants limited access to funds to pay their reasonable and necessary living expenses; (2) requiring Defendants to make payments to preserve the financial value of the previously restrained real property; (3) requiring payment of the Aggeus payroll in the agreed upon amount that was due on or about October 20, 2015; (4) allowing for the deposit of revenue into the relevant accounts; and (5) again modifying the accounts from which counsel for Yev and Natalie Gray may be paid.

Dated: November 24, 2015

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney

*/s/ Suzanne Moore*  
SUZANNE J. MOORE #45321MO  
Assistant United States Attorney  
111 South 10<sup>th</sup> St., Ste. 20.333  
St. Louis, Missouri 63102  
(314) 539-2547  
FAX (314) 539-2196  
[suzanne.moore@usdoj.gov](mailto:suzanne.moore@usdoj.gov)  
Counsel for the United States

DURKIN AND ROBERTS

*/s/ Christopher T. Grohman*  
CHRISTOPHER T. GROHMAN  
ROBIN V. WATERS  
THOMAS ANTHONY DURKIN  
2446 N. Clark St.  
Chicago, Illinois 60614  
(312) 913-9300  
[egrohman@durkinroberts.com](mailto:egrohman@durkinroberts.com)  
[rwaters@durkinroberts.com](mailto:rwaters@durkinroberts.com)  
[tdurkin@durkinroberts.com](mailto:tdurkin@durkinroberts.com)  
Counsel for Defendant Yev Gray

DOUGLAS WHITNEY LAW OFFICES LLC

*/s/ Douglas E. Whitney*  
DOUGLAS E. WHITNEY  
209 Westley Ave.  
Oak Park, Illinois 60302  
(312) 623-4562  
[doug.whitney@dwollc.com](mailto:doug.whitney@dwollc.com)  
Counsel for Defendant Natalie Gray

KATTEN MUCHIN ROSENMAN LLP

/s/ Sheldon T. Zenner

SHELDON T. ZENNER

THOMAS P. PEABODY

525 W. Monroe Street

Chicago, Illinois 60661-3693

(312) 902-5476

FAX (312) 902-1061

[sheldon.zenner@kattenlaw.com](mailto:sheldon.zenner@kattenlaw.com)

[thomas.peabody@kattenlaw.com](mailto:thomas.peabody@kattenlaw.com)

Counsel for Defendant James Sayadzad